

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
to Ensure Compatibility with Enhanced)	
911 Emergency Calling Systems)	
)	
California RSA #3 Limited Partnership,)	DA 98-2631
A California Limited Partnership,)	
d/b/a Golden State Cellular)	
Petition For Limited Waiver of Section)	
20.18(g) of the Commission's Rules)	

To: Wireless Telecommunications Bureau

Amendment to Petition for Limited Waiver and Supplemental E911 Phase II Report
of El Dorado Cellular, a California Corporation
d/b/a Mountain Cellular

El Dorado Cellular, a California Corporation d/b/a Mountain Cellular ("Mountain Cellular"), by its attorneys and pursuant to Section 20.18(i) of the rules and regulations of the Federal Communications Commission ("Commission"),¹ and the Commission's recent public notices,² hereby submits an amendment to its Petition for Waiver in the above captioned proceeding.

On September 19, 2001, Mountain Cellular filed a Petition for Limited Waiver of Section

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¹47 C.F.R. §20.18(i).

²"Commission Establishes Schedule for E911 Phase II Requests by Small and Mid-Sized Wireless Carriers, CC Docket No. 94-102," *Public Notice*, FCC 01-302, rel. Oct. 12, 2001 ("October 12 Public Notice"); and "Wireless Telecommunications Bureau Provides Guidance on Filings By Small and Mid-Sized Carriers Seeking Relief From Wireless E911 Phase II Automatic Location Identification Rules, CC Docket No. 94-102," *Public Notice*, DA 01-2459, rel. Oct. 19, 2001 ("October 19 Public Notice").

20.18 of the Commission's rules.³ On October 12, 2001, the Commission ruled on five nationwide carriers' similar requests for waiver of the Commission's enhanced 911 Phase II implementation plans, set mandatory conditions,⁴ and gave small and mid-sized carriers until November 30, 2001 to file requests for waiver of E911 Phase II implementation requirements or to supplement or revise pending requests for waiver.⁵

As Mountain Cellular indicated in its September 19 Petition, its proposed compliance schedule is based heavily upon the expected general availability date for Phase II-compliant handsets to major, nationwide carriers with a built-in "lead-time" of several additional months for the product to "trickle down" to small rural carriers like Mountain Cellular. In light of the recent extensions of time granted to nationwide wireless CDMA carriers, Mountain Cellular now believes the earliest date by which the large, nationwide carriers will see delivery of CDMA-based, ALI-capable handsets

³Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, DA 98-2631, El Dorado Cellular, a California Corporation d/b/a Mountain Cellular Petition for Limited Waiver of Section 20.18(g) of the Commission's Rules, filed September 19, 2001 ("*September 19 Petition*").

⁴See In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by AT&T Wireless, CC Docket No. 94-102, *Order*, FCC 01-294, rel. Oct. 12, 2001; In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Nextel Communications, Inc., CC Docket No. 94-102, *Order*, FCC 01-295, rel. Oct. 12, 2001; In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Cingular Wireless LLC, CC Docket No. 94-102, *Order*, FCC 01-296, rel. Oct. 12, 2001; In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Sprint Spectrum L.P. d/b/a Sprint PCS, CC Docket No. 94-102, *Order*, FCC 01-297, rel. Oct. 12, 2001; and In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by Verizon Wireless, CC Docket No. 94-102, *Order*, FCC 01-299, rel. Oct. 12, 2001.

⁵*October 12 Public Notice*.

is December 2001. Accounting for expected delays before such handsets reach a small carrier such as Mountain Cellular and necessary testing, Mountain Cellular does not expect to be capable of selling and activating handsets prior to October 1, 2002. Accordingly, Mountain Cellular hereby amends the proposed implementation schedule contained in its September 19 Petition as follows:

October 1, 2002:	begin selling and activating ALI-capable handsets.
December 31, 2002	25 percent of activated handsets are ALI-capable.
June 30, 2003	50 percent of activated handsets are ALI-capable.
December 31, 2003	100 percent of activated handsets are ALI-capable.
December 31, 2006	95 percent penetration rate of ALI-capable handsets.

Of course, if such equipment becomes commercially available earlier than expected, Mountain Cellular will proceed to implement E911 Phase II promptly and will so advise the Commission of its progress related to this matter via its required quarterly report. By the same token, as indicated in the September 19 Petition, whether and when ALI-capable handsets are available is completely outside of Mountain Cellular's control. Therefore, if as Mountain Cellular's revised deadline approaches, Phase II-compliant handsets and necessary upgrades to cellular switching systems are still unavailable commercially, Mountain Cellular will so advise the Commission.

Additionally, Mountain Cellular has queried handset vendors regarding the anticipated cost of the yet unavailable ALI-capable handsets. It has received estimates for the cost of ALI-capable handsets varying anywhere from \$10.00 to \$200.00 more per telephone than that of currently utilized Mountain Cellular handsets. This handset cost uncertainty makes it difficult to project whether consumers will be willing to spend extra money to purchase a handset with ALI capability; whether Mountain Cellular will be able to absorb the cost difference without operating at a loss; and ultimately raises further questions related to Mountain Cellular's ability to meet the Commission's percentage thresholds for selling and activating ALI-capable handsets. If once ALI-capable handsets

are generally available, and the cost of those handsets becomes known, Mountain Cellular finds that it is unable to sell ALI-capable handsets in numbers which would meet the required penetration percentages, it reserves the right to request a further waiver of the Commission's rules at that time.

The foregoing, along with the information contained in the September 19 Petition satisfies both the general requirements to waive a Commission rule, as well as the more detailed standards contained in the Commission's E911 *Fourth Memorandum Opinion and Order*,⁶ and the *October 19 Public Notice*. Accordingly, there is good cause to grant the limited waiver requested herein.

Respectfully submitted,

MOUNTAIN CELLULAR

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Dated: November 7, 2001

⁶Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442, 17457 (2000) ("*E911 Fourth Memorandum Opinion and Order*").

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CERTIFICATE OF SERVICE

I, LaWanda Y. Tyson, a secretary with the law firm of Kurtis & Associates, P.C., do hereby certify that I have this 7th day of November 2001, had copies of the foregoing "AMENDMENT to PETITION FOR WAIVER AND SUPPLEMENTAL E911 PHASE II REPORT OF EL DORADO CELLULAR, A CALIFORNIA CORPORATION D/B/A MOUNTAIN CELLULAR sent via First Class Mail, U.S. Postage paid to the following:

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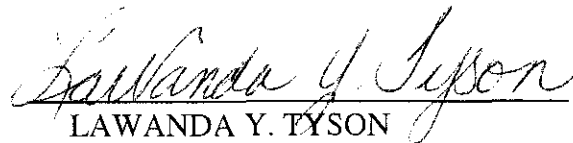
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